

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

ANGELA LANG, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 5:15-cv-6069-DGK
	)	
MINO FARMS, INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is a discovery dispute between the Plaintiffs and Sumitomo Rubber Industries, Ltd. (“SRI”) concerning Plaintiffs’ request for information and materials regarding the entire Sumitomo ST 720 tire line.

Plaintiffs contend that all the ST 720 tires are substantially similar and, as such, discovery of information related to these tires is appropriate in this case (Doc. 77). Defendant argues the accident tire is dissimilar to the other tires in the ST 720 line in several ways (Doc. 78). Defendant raises a Rule 26(b) proportionality issue in its Memorandum to the Court, but has failed to point to specific factors that weigh in favor of barring this discovery. During the teleconference, Defendant cited to one case, *Hajek v. Kumho Tire Co., Inc.*, No. 4:08CV3157, 2010 WL 503044 (D. Neb. Feb. 8, 2010), for the proposition that Plaintiffs’ request for discovery materials regarding the other two tires in the ST 720 line should be denied. However, Defendant did not illustrate in its Memorandum to the Court or its arguments in the teleconference how these requests are overbroad and unduly burdensome to SRI. Plaintiffs request information regarding one line of tires, not every tire produced by SRI. Plaintiffs further explained to the

Court that, though these tires are not of a “common green,”<sup>1</sup> they are substantially similar in that they are marketed together and have the same height-to-width ratio. Defendant has failed to convince the Court that this discovery request is as broad as the request denied in *Hajek*.<sup>2</sup> It is unclear what the burden on Defendant SRI would be in disclosing the information requested by Plaintiff or that the burden would outweigh its likely benefit. Defendant SRI has not demonstrated that complying with Plaintiffs’ requests is cost-prohibitive. Discovery of defects or failures in similar tires to the accident tire may assist in resolving matters in the litigation. Further, the importance of the issues at stake in the litigation, namely personal injury and wrongful death, are of the utmost importance.

In weighing the factors enumerated in Rule 26(b)(1), the Court finds for the Plaintiffs. It is hereby

ORDERED that Defendant Sumitomo Rubber Industries, Ltd. respond to all outstanding discovery requests from Plaintiffs.

**IT IS SO ORDERED.**

Date: December 16, 2015

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Under the National Highway Traffic Safety Administration definition, “common green” tires are tires produced to the same internal specifications but that have, or may have, different external characteristics and may be sold under different tire line names. 49 C.F.R. § 579.4.

<sup>2</sup> In *Hajek*, Plaintiffs requested a large amount of information related to the “subject tire or any tire [Kumho] consider[s] substantially similar to the subject tire,” almost 20 years’ worth of documents containing comments made by any tire engineer working on the design, manufacture, development or testing of a related tire, and various information related to the “entire ‘Kumho Road Venture line of tires.’” *Hajek*, 2010 WL 503044 at \*2-\*3.